

REMARKS

This Amendment is responsive to the Office Action identified above, and is further responsive in any other manner indicated below.

PENDING CLAIMS

Claims 1-18 were pending in the application, under consideration and subject to examination at the time of the Office Action. Unrelated to any prior art, scope or rejection, appropriate claims have been amended or added in order to adjust a clarity and/or focus of Applicant's claimed invention. That is, the amendments to the claims are unrelated to any prior art or scope adjustment, and are simply clarified claims in which Applicant is presently interested. At entry of this paper, Claims 1-21 are now pending in the application for consideration and examination.

OBJECTION TO THE DECLARATION - CORRECTED DECLARATION FILED

Item 1 on page 2 of the Office Action objects to the Declaration filed with the present application for the typographical errors. Attached hereto is a Supplemental Declaration and Power of Attorney, correcting all typographical errors, with all information therein accurate. As the attached Declaration corrects the record, reconsideration and withdrawal of the objection are respectfully requested.

REJECTION UNDER 35 USC §102 - TRAVERSED

The 35 USC §102 rejection of Claims 1-18 as being anticipated by Rao *et al.* (US 6,222,932 B1) is respectfully traversed. Such rejections have been rendered

obsolete by the present clarifying amendments to Applicant's claims, and accordingly, traversal arguments are not appropriate at this time. However, Applicant respectfully submits the following to preclude renewal of any such rejections against Applicant's clarified claims.

All descriptions of Applicants disclosed and claimed invention, and all descriptions and rebuttal arguments regarding the applied prior art, as previously submitted by Applicant in any form, are repeated and incorporated herein by reference. Further, all Office Action statements regarding the prior art rejections are respectfully traversed.

To reiterate, the requirements to support a rejection under 35 USC §102 as indicated in the decision of *In re Robertson*, 49 USPQ2d 1949 (Fed. Cir. 1999), require that each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference.

However, the cited prior art does not adequately support a §102 anticipatory-type rejection (or a §103 obviousness-type rejection) because it does not, at minimum, disclose (or suggest) the following limitations of Applicant's clarified claims.

More particularly, in Rao *et al.*, watermark strength is determined by using image texture values, which are measured in Step 205 of Fig. 2 of Rao *et al.*

As details of an image texture measurement, Rao *et al.* discloses examples from Col. 5, line 48 through Col. 7, line 32, and Eqs. (7)-(11). It is obvious from the examples that Rao *et al.* discloses only 2-dimensional measurement methods.

Contrary to the above, Applicant discloses patentable 1-dimensional calculating methods as disclosed in paragraphs [0073]-[0078] (*i.e.*, in the specification at pages 15 and 16). The method indicates the operation of:

- (1) calculating data using a set of the data values along one direction extending through the target element;
- (2) repeating operation (1) plural times to obtain plural calculated data, wherein each of the calculated data is based on a respective set of the data values along one respective direction; and
- (3) determining a strength of embedding information into the target element based on the plural sets of data calculated in operations (1) and (2).

In addition, Claims 2, 3, 8, 9, 14 and 15 recite arrangements in which “variances” are used to determine a strength of embedding information, with Claims 3, 9 and 15 reciting that a direction with a “minimum variance” is used for determining the strength of the embedding information.

Still further, added Claims 19-21 recite that “linear interpolation” is used to determine the strength of the embedding information. None of the applied references (taken alone or in combination) would have disclosed or suggested such features/limitations.

As a result of all of the foregoing, it is respectfully submitted that the applied art would not support a §102 anticipation-type rejection (or a §103 obviousness-type rejection) of Applicant’s claims. Accordingly, reconsideration and withdrawal of such §102 rejection, and express written allowance of all of the rejected claims, are respectfully requested.

RESERVATION OF RIGHTS

It is respectfully submitted that any and all claim amendments and/or cancellations submitted within this paper and throughout prosecution of the present application are without prejudice or disclaimer of any scope or subject matter. Further, Applicant respectfully reserves all rights to file subsequent related application(s) (including reissue applications) directed to any/all previously claimed limitations/features which have been subsequently amended or cancelled, or to any/all limitations/features not yet claimed, *i.e.*, Applicant continues (indefinitely) to maintain no intention or desire to dedicate or surrender any limitations/features of subject matter of the present application to the public.

EXAMINER INVITED TO TELEPHONE

The Examiner is invited to telephone the undersigned at the local D.C. area number 703-312-6600, to discuss an Examiner's Amendment or other suggested action for accelerating prosecution and moving the present application to allowance.

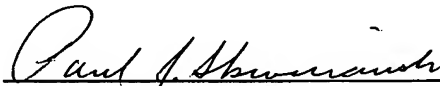
CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims listed above as presently being under consideration in the application are in condition for allowance. Accordingly, early allowance of such claims is respectfully requested.

This Amendment is being filed within the shortened statutory period for response set by the 20 September 2004 Office Action, and therefore, no Petition or

extension fee is required. To whatever other extent is actually necessary, Applicant respectfully petitions the Commissioner for an extension of time under 37 CFR §1.136. Attached is a Form PTO-2038 authorizing payment of the additional claim fee. Please charge any actual deficiency in fees to ATS&K Deposit Account No. 01-2135 (as Case No. 501.37881CX1).

Respectfully submitted,



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Attachments:
Supplemental Inventor Declaration
PTO-2038 (Fee Code 1202)